

60,427-253
2000P07632US01-7802**REMARKS****Drawing Change**

Applicant has amended the drawings to identify an axis in Figure 1, which is also shown in Figure 6. No new matter has been amended.

Amendment to the Specification

Applicant has amended the specification to identify the axis shown in Figure 1 and Figure 6 of the drawings. No new matter has been added.

Claim Rejections

In the Non-Final Office Action mailed on September 20, 2004, the Examiner reviewed claims 1-20. Claims 1, 2, 10, 11, 15-17, 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by *Everingham* (U.S. 5,828,759). In addition, the Examiner rejected claims 3, 5, 9, 12, 14 and 18 under 35 U.S.C. §103(a) as being unpatentable over *Everingham* in view of *Shipps, et al.* (U.S. 6,072,880). Claims 4 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Everingham* in view of *Cain, et al.* (U.S. 5,457,749). For the reasons set forth below, Applicant believes its claims as amended stand in condition for allowance.

Claim 1 has been amended to include the limitation "said speaker for propagating a sound field along an axis" and "said rigid support positioning said microphone in the sound field." *Everingham* does not teach the positioning of microphone 42 in the sound field created by speaker 30. As shown in Figure 1 and disclosed in the specification, microphone 42 is placed in the sound field emanating from annular space 26 and generates an electrical signal corresponding to engine noise emanating from the annular

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space 26. [*Everingham*, column 2, ll 65-67]. Accordingly, *Everingham* does not teach the limitation of positioning a microphone with a rigid support in the sound field of a speaker. For this reason, claim 1 and its dependents, claims 2-9, stand in condition for allowance.

Independent claim 10 has been amended to include "a face for generating a sound field along an axis" and "a microphone operatively connected to said air induction body by a support, said support positioning said microphone over said face and extending only over a portion of said face." *Everingham* does not teach the positioning of the microphone over the face of the speaker with the support that extends only over a portion of the face of the speaker. For this reason, claim 10 and its dependents, claims 11-18, stand in condition for allowance.

The Examiner further rejected claim 19 pursuant to *Everingham*. Claim 19 requires, "a microphone operatively connected to said air induction body by a rigid support spaced a predetermined distance from said face wherein said predetermined distance relates to the location of the sound field emitted by said speaker." *Everingham* does not teach the use of a rigid support to place a microphone a predetermined distance from the face of a speaker, the predetermined distance relating to the location of the sound field emitted by the speaker. As explained above *Everingham* teaches the placement of a microphone relative to engine noise emanating from annular space 26. For this reason, claim 19 and its dependent, claim 20, stand in condition for allowance.

Claim 3 has been amended to recite "said rigid support extends transversely relative to a face of said speaker." This feature is not taught by the prior art. Specifically, there is no showing that the references cited by the Examiner show a rigid

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support extending transversely relative to a space of the speaker. *Everingham* itself shows only a rigid support extending parallel to the face of the speaker. For this reason, claim 3 stands in condition for allowance.

Claim 4 has been amended to require, "said rigid support suspend said microphone over a face of said speaker." Again, this feature is not shown by the cited references. For this reason, claim 4 is in condition for allowance.

Claim 6 requires "said rigid support extending at least partially along said axis to position said microphone a predetermined distance from said face." Claim 6 depends upon claim 4. This feature is not shown by the cited references. For this reason, claim 6 is in condition for allowance.

For the foregoing reasons, Applicant requests allowance of claims 1-20.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 

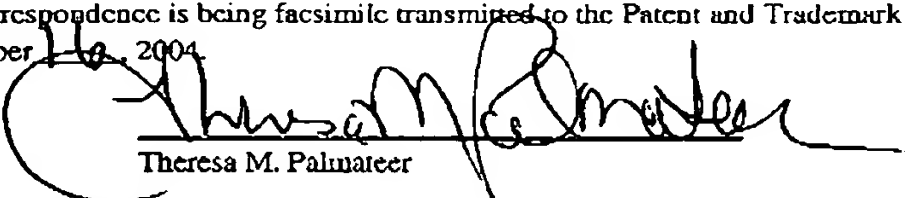
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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9306) on December 16, 2004.


Theresa M. Palmateer

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